

15 CV 01500

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MATTHEW MOLONEY,

Plaintiff,

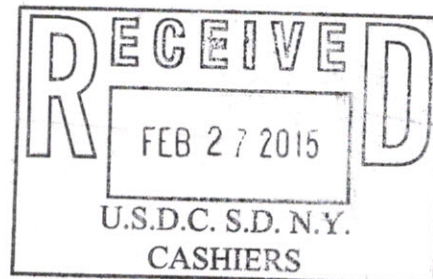
-against-

LTD FINANCIAL SERVICES, LP; CITIBANK,
N.A.; and "XYZ CORP. #1-10," said names
being fictitious, it being the
intention of Plaintiff to designate
additional entities having liability
for the complained incident upon
discovery of their identity,

Defendants.

-----X

DOCKET NO.



NOTICE OF REMOVAL OF ACTION

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. Section 1441,
et seq. defendants, LTD FINANCIAL SERVICES, LP AND CITIBANK,
N.A., hereby remove this civil action from the Civil Court of
the City of New York, County of New York, to the United States
District Court for the Southern District of New York.

I. PROCEEDINGS TO DATE

On or about January 22, 2015, plaintiff, Matthew Moloney,
filed a summons and complaint dated January 17, 2015 in the
civil action captioned Matthew Moloney, plaintiff, against LTD
FINANCIAL SERVICES, LP; CITIBANK N.A.; and "XYZ CORP. #1-10,"
said names being fictitious, it being the intention of Plaintiff

to designate additional entities having liability for the
complained of incident upon discovery of their identity; Index
No. 1596/15, in the Civil Court of the City of New York, County
of New York. Defendants have been served with the complaint.
The complaint alleges a violation of the Fair Debt Collection
Practices Act, as well as violations of State law, and plaintiff
seeks statutory and actual damages as well as attorney fees and
other relief.

Copies of all pleadings and other papers plaintiff
previously filed with the Civil Court are annexed hereto as
Exhibit "A", as required by 28 U.S.C. Section 1446.

II. GROUND FOR REMOVAL

The Court has original jurisdiction over this action
because this action arises under a Law of the United States.
See 28 U.S.C. Section 1331. This action arises under the Fair
Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq.
(See Exhibit "A") Accordingly, according to 28 U.S.C. Section
1331, this Court has original jurisdiction over this case.

III. VENUE

Plaintiff's action is pending in Civil Court of the City of
New York, County of New York, which is within this judicial
district and division. 28 U.S.C. Section 112(c). The United

States District Court for the Southern District of New York is the District Court and Division within which the defendants may remove this action, pursuant to 28 U.S.C. Section 1441(a) and within which defendants must file this Notice of Removal, pursuant to 28 U.S.C. Section 1446(a).

IV. TIMELINESS

This Notice of Removal is timely filed. Defendants were both served with a copy of the summons and complaint on February 2, 2015. Plaintiff has filed Affidavits of Service with the Civil Court. This notice of Removal complies with 28 U.S.C. Section 1446(b).

V. NOTICE

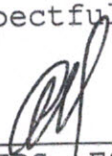
Pursuant to 28 U.S.C. Section 1446(b), defendants, LTD FINANCIAL SERVICES, LP and CITIBANK, N.A., are simultaneously filing a copy of this Notice of Removal with the Civil Court of the City of New York, County of New York. Plaintiff's counsel is also being served with a copy of this Notice of Removal.

VI. CONCLUSION

For the foregoing reasons, LTD FINANCIAL SERVICES, LP and CITIBANK, N.A., respectfully requests that this action, previously pending in the Civil Court of the City of New York, County of New York, be removed to this Court, and that this Court proceed as if this case had been originally initiated in this Court.

Dated: New City, NY
February 19, 2015

Respectfully submitted,



ARTHUR SANDERS, ESQ. (AS-1210)
BARRON & NEWBURGER, P.C.
Attorneys for defendant
30 South Main Street
New City, NY 10956
845-499-2990

EXHIBIT A

COPY

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

Index No.: 0001596

2015

Date Purchased: 1-22-2015

MATTHEW MOLONEY

Plaintiff,

-against-

LTD FINANCIAL SERVICES, LP;
CITIBANK, N.A.; and
"XYZ CORP. # 1 - 10", said names being fictitious,
it being the intention of Plaintiff to designate additional
entities having liability for the complained of incident
upon discovery of their identity.

Defendants.

Plaintiff's Address:

29-07 Zachary Terrace
Fair Lawn, NJ 07410

Basis of Venue:

Location of Occurrence:

SUMMONS

To the above named Defendant(s):

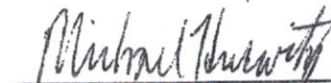
YOU ARE HEREBY SUMMONED to appear in the Civil Court of the City of New York, County of New York, at the office of the said court at Civil Court of the City of New York, County of New York, located at 111 Centre St, New York, NY 10013, in the County of New York, City and State of New York, within the time provided by law as noted below and to file your answer to the annexed complaint with the Clerk; upon your failure to answer, judgment will be taken against you for the principal sum demanded therein, plus interest thereon, and attorneys' fees, together with the costs and disbursements of this action.

NOTE: The law provides that: (a) If this summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If this summons is served by delivery to any person other than you personally, or is served outside the City of New York, or by publication, or by any means other than personal delivery to you within the City of New York, you are allowed THIRTY days after proof of service thereof is filed with the Clerk of this Court within which to appear and answer.

Dated: New York, N.Y.
January 17, 2015

THE HURWITZ LAW FIRM, P.C.

BY:

MICHAEL L. HURWITZ
55 WEST 45TH STREET; 7TH FL
NEW YORK, N.Y. 10036

TEL: (212) 390-8401

FAX: (212) 390-1630

EMAIL: info@TheHurwitzLawFirm.com
(not for service)ATTORNEYS FOR PLAINTIFF
MATTHEW MOLONEY

Defendants to be served:

LTD FINANCIAL SERVICES, LP
C/O CORPORATION SERVICE COMPANY
80 STATE STREET
ALBANY, NEW YORK, 12207-2543

CITIBANK, N.A.
701 EAST 60TH STREET
NORTH
SIOUX FALLS, SD 57104

XYZ CORP. # 1 – 10
Names fictitious, addresses unknown

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

-----X
MATTHEW MOLONEY

Plaintiff,

INDEX NO.: _____

-against-

VERIFIED COMPLAINT

LTD FINANCIAL SERVICES, LP;
CITIBANK, N.A.; and
"XYZ CORP. # 1 – 10", said names being fictitious,
it being the intention of Plaintiff to designate additional
entities having liability for the complained of incident upon
discovery of their identity.

Defendant.
-----X

Plaintiff MATTHEW MOLONEY, by and through The Hurwitz Law Firm, P.C.,
respectfully alleges upon information and belief the following as and for his Verified Complaint
against the Defendants LTD FINANCIAL SERVICES, LP; CITIBANK, N.A.; and "XYZ
CORP. # 1 – 10":

Parties

1. Plaintiff MATTHEW MOLONEY ("Plaintiff") is an individual residing in the
County of Bergen, State of New Jersey, from whom the defendants sought to collect one or more
consumer debts.

2. Defendant LTD FINANCIAL SERVICES, LP is a foreign limited partnership
established and existing pursuant to the laws of the State of Texas and authorized to do business
in the State of New York.

3. Defendant CITIBANK, N.A. is a national bank established and existing pursuant
to the laws of the United States.

4. Defendants "XYZ CORP. # 1 - 10", said names being fictitious, are entities believed to be liable to Plaintiff for the transactions and occurrences alleged herein, it being the intention of Plaintiff to designate them as additional named defendants upon discovery of their identity.

Facts

5. Plaintiff was the purported holder of three Citibank, N.A. credit accounts with account numbers ending 0611 (the "Accounts").

6. Citibank, N.A. purportedly hired LTD Financial Services, LP to collect the balance claimed on the Accounts from Plaintiff.

7. The LTD Financial Services, LP reference numbers and balances demanded on the Accounts are as follows:

LTD Reference No and Balance: SL3 020320987, \$10,818.56

LTD Reference No and Balance: SL3 020880214, \$7,633.36

LTD Reference No and Balance: SL3 020880215, \$9,366.77

8. On October 28, 2014 LTD Financial Services, LP sent a letter to the Plaintiff seeking to collection the balance due on the Account reflecting LTD Reference No: SL3 020320987 and Balance: \$10,818.56. A copy of LTD Financial Services, LP letter is attached as Exhibit A.

9. On December 24, 2014 LTD Financial Services, LP sent a letter to the Plaintiff seeking to collection the balance due on the Account reflecting LTD Reference No: SL3 020880214 and Balance: \$7,633.36. A copy of LTD Financial Services, LP letter is attached as Exhibit B.

10. On December 24, 2014 LTD Financial Services, LP sent a letter to the Plaintiff seeking to collection the balance due on the Account reflecting LTD Reference No: SL3 020880215 and Balance: \$9,366.77. A copy of LTD Financial Services, LP letter is attached as Exhibit C.

11. The total amount LTD Financial Services, LP demanded on behalf of Citibank, N.A. is \$27,818.69.

12. On January 2, 2015 Plaintiff's counsel sent a letter to LTD Financial Services, LP inquiring as to why the same Citibank Account has 3 different LTD reference numbers and 3 different balances. Copy of Plaintiff's counsel's January 2, 2015 letter is attached as Exhibit D.

13. On January 14, 2015 LTD Financial Services, LP telephoned the office of Plaintiff's counsel seeking to collect the balances claimed on the Accounts.

14. At that time, an employee of Plaintiff's counsel informed LTD Financial Services, LP that settlement could not be discussed until Plaintiff's counsel was provided validation of the debt and a response to its January 2, 2015 letter.

15. Thereafter, on January 14, 2014 LTD Financial Services, LP emailed Plaintiff's counsel a copy of their December 24, 2014 letter reflecting LTD Reference Number SL3 020880214 and Balance: \$7,633.36. A copy of LTD Financial Services, LP's email and correspondence attached to that email, is attached hereto as Exhibit E.

16. LTD Financial Services, LP has failed and affirmatively refused to provide the explanation as requested by Plaintiff's counsel as to why the same Citibank Account has 3 different LTD reference numbers and balances.